

**Notice of Allowability**

<b>Application No.</b>	<b>Applicant(s)</b>	
09/832,381	ALAIA ET AL.	
<b>Examiner</b>	<b>Art Unit</b>	
JAGDISH PATEL	3624	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- 1.  This communication is responsive to 1/3/06.
- 2.  The allowed claim(s) is/are 109-120,126 and 127.
- 3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    - 1.  Certified copies of the priority documents have been received.
    - 2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .
    - 3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

- 4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
- 5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
- 6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- 1.  Notice of References Cited (PTO-892)
- 2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
- 4.  Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 5.  Notice of Informal Patent Application (PTO-152)
- 6.  Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_ .
- 7.  Examiner's Amendment/Comment
- 8.  Examiner's Statement of Reasons for Allowance
- 9.  Other \_\_\_\_\_.

### **DETAILED ACTION**

1. This communication is in response to amendment filed 1/3/06.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/3/06 has been entered.

#### ***Response to Amendment***

3. Claims 109, 115, 126 and 127 have been amended per request. Claims 109-120,126 and 127 have been allowed.

#### ***Reasons for Allowance***

4. The following is an examiner's statement of reasons for allowance:

The claimed inventions pertain to method and apparatus for controlling closing times of lots in an electronic auction wherein the bids for each lot are received from a plurality bidders and wherein the closing time of each lot is predefined.

The closest prior art of record most relevant to the claimed invention, Fisher et al. (US Pat. 6243691) discloses a method of controlling closing time of an electronic auction via a concept of "floating closing time". whereby the auction for a particular item is automatically closed if no new bids are received within a predetermined time interval.

However, Fisher fails to teach or suggest a method for controlling closing time of auction in a multiple lot environment. Furthermore, Fisher fails to teach or suggest the following novel feature of the allowed claims:

extending a closing time of the first lot by an incremental amount of time upon occurrence of an overtime trigger and if the difference between the extended closing time of the first lot precedes a closing time of the second lot by less than a minimum time interval, extending the closing time of the second lot by the incremental amount of time. (claims 109-120).

setting the closing time of the current lot to the closing time of the preceding lot plus a predefined minimum time interval if the difference of the closing time of the current lot and a closing time of preceding lot is less than a first predefined time interval and if the difference of the extended closing time of the current lot and the closing time of the subsequent lot is less than a second predefined time interval, setting the closing time of the subsequent lot to the closing time of the current lot plus the predefined minimum time interval. (claims 126-127)

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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#### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US-PAT-NO: 5715402 to Popolo discloses a Method and system for matching sellers and buyers of spot metals.

US-PAT-NO: 5774873 to Berent et al. teaches an Electronic on-line motor vehicle auction and information system.

US-PAT-NO: 5826244 to Huberman discloses a Method and system for providing a document service over a computer network using an automated brokered auction.

US-PAT-NO: 5,835,896 to Fisher et al. teaches a method and system for processing and transmitting electronic auction information. Fisher et al. fail to address the problem of controlling bidding status.

US-PAT-NO: 5905974 to Fraser et al. teaches an Automated auction protocol processor.

US-PAT-NO: 5905975 to Ausbel discloses a Computer implemented methods and apparatus for auctions.

US-PAT-NO: 5915209 to Lawrence teaches a Bond trading system.

PUB-NO: WO009834187A1 teaches a method of holding auctions, which take place in a computer environment, where a plurality of sellers and bidders may submit bids from local computers to a central computer.

The following non-patent references pertain to general state of auction as relates to the subject application:

"Online Bidding Software", Electronic Buyer's News, 8/25/97 Iss 172, p86 1/6p

"FairMarket Launches New Self-Serve Auctions.", Business Wire, p6161495, Jun. 16, 1998.

"Broadvision Developing First Interactive Commerce management System to Support Online Sales & Marketing Process.., Business Wire, p515052, May 15, 1995.

Lee, Ho Geum, "Do electronic marketplace lower the price of goods?" Communications of the PCM, v41n1 pp 73-80 Jan 1998.

"Venture Capitalists Fund Two Massachusetts Internet Related Companies", Boston Globe, Jan 1998.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748.

The examiner can normally be reached on 800AM-600PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571)272-6747. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3624)

3/14/06